

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA :
 :
 vs. :
 :
 JONATHAN N. PINSON : 3:12 - CR - 974

Sentencing in the above-captioned matter held on
Thursday, January 25, 2018, commencing at 11:03 a.m.,
before the Hon. David C. Norton, in the United States
Courthouse, Courtroom II, 81 Meeting St., Charleston,
South Carolina, 29401.

APPEARANCES:

JANE B. TAYLOR, ESQ., and
JOHN D. ROWELL, ESQ., Office of the U.S.
Attorney, 1441 Main Street, Columbia, SC,
appeared for the Government.

JAMES M. GRIFFIN, ESQ., 1116 Blanding Bldg.,
Columbia, SC, appeared for defendant.

REPORTED BY DEBRA L. POTOCKI, RMR, RDR, CRR
Official Court Reporter for the U.S. District Court
P.O. Box 835
Charleston, SC 29402
843/723-2208

1 MS. MAHON: Morning, Your Honor, we're here this
2 morning in the matter of United States of America versus
3 Jonathan N. Pinson. This is Criminal 3:12-974. Mr. Pinson,
4 as you know, was previously convicted and sentenced, and the
5 Fourth Circuit has vacated some of his convictions, and,
6 therefore, we're back for re-sentencing.

7 He is represented by Mr. Jim Griffin.

8 THE COURT: Okay. Y'all ready to go?

9 MR. GRIFFIN: Yes, Your Honor.

10 THE COURT: And there's only one, quote unquote,
11 "objection," is that right?

12 MR. GRIFFIN: That's correct.

13 THE COURT: Okay. But that would be -- the objection
14 is the interpretation of the role enhancement. The facts in
15 the presentence report are all correct, isn't that right?

16 MR. GRIFFIN: That's correct.

17 THE COURT: So I can adopt the whole presentence
18 report as the findings of fact for the purposes of sentencing,
19 pending the ruling on the role enhancement, right?

20 MR. GRIFFIN: Yes, Your Honor.

21 THE COURT: Okay. We'll put some stuff on the record
22 and we'll go.

23 As noted, Mr. Pinson was convicted by a jury on July 3rd,
24 2014. Thereafter, a presentence report has been prepared. As
25 the prosecutor noted, it went to the Fourth Circuit where it

1 was was referred for re-sentencing.

2 A second presentence -- or most recent presentence report
3 has been prepared and submitted to both counsel for the
4 Government and defendant, in, I guess, December.

5 Mr. Pinson, have you had plenty of time to go over your
6 presentence report with your lawyer?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: Good. Inasmuch as all parties have had
9 access to the report and there's only one objection to it
10 which will be ruled on, I'm going to ask the clerk to file the
11 report under seal. In the event of an appeal, the clerk will
12 make the report available to counsel for appellate purposes.

13 Additionally, the probation officer made a recommendation
14 which will remain under seal until further order of the Court.

15 In view of the fact that there's one objection contained
16 in the presentence report, which I'll rule on, I'm going to
17 adopt the statements in the presentence report as the findings
18 of fact for the purposes of sentencing.

19 So I guess right now is probably a pretty good time to
20 hear your objection with regard to the role enhancement.

21 MR. GRIFFIN: Yes, thank you, Your Honor. The
22 paragraphs 51 and 66 of the presentence report discusses and
23 applies the role enhancement under Section 3B1.1, subparagraph
24 (a) of the United States Sentencing Guidelines, and that role
25 enhancement applies if a defendant is an organizer or leader

1 of a criminal activity that involves five or more
2 participants, or is otherwise extensive.

3 Your Honor, at the initial sentencing prior to the appeal
4 that went to the Fourth Circuit, the probation office included
5 a five or more participant role enhancement, and based upon
6 the RICO criminal conspiracy conviction, that it crossed
7 different schemes.

8 The Fourth Circuit vacated the RICO criminal conspiracy on
9 the grounds that there were -- it wasn't a single conspiracy,
10 there was proof of multiple conspiracies. And so as a result
11 of the Fourth Circuit's ruling, Your Honor, we have now
12 objected, based upon the fact that there were not five or more
13 participants in a single conspiracy.

14 And in the addendum, Your Honor, filed with -- served upon
15 us addressing that objection, the probation office appears to
16 adopt our position that you can't have participants across all
17 schemes. They included the participants who were neither
18 indicted or convicted in individual schemes, to get up to the
19 five-person benchmark.

20 And as we set forth in our pleadings, in order to be a
21 participant, the person has to be criminally responsible for
22 the activity. And so we don't believe that that is the case,
23 that that proof has been established. I can break down
24 each --

25 THE COURT: How about break down the South Carolina

1 State Sportsman's Retreat, which seems to number five to me,
2 and all five of those were criminally prosecuted and all five
3 of those were sentenced.

4 MR. GRIFFIN: The folks in the South Carolina
5 Sportsman Retreat, as I recall, would be Mr. Bartley --

6 THE COURT: Bartley, Givens, Zahn, Pinson and --

7 MR. GRIFFIN: That's it.

8 THE COURT: Co-defendant, Mr. Robinson.

9 MR. GRIFFIN: Your Honor, Mr. Robinson had no
10 involvement in the Sportsman's Retreat. There's no evidence
11 of his involvement. There Robinson was involved in the
12 concert, but he had no involvement --

13 THE COURT: But the scheme in the indictment and the
14 trial dealt with both the homecoming concert and Sportsman's
15 Retreat, right? Together.

16 MR. GRIFFIN: Yes, Your Honor, and if you were to
17 lump the two together, then you do get five with that
18 Robinson, although the jury acquitted Mr. Robinson. But there
19 was no overlap between the Homecoming concert, that was a
20 separate -- that was a separate event, although it did involve
21 South Carolina State, then Mr. Zahn and the Sportsman's
22 Retreat.

23 THE COURT: Of course, the Fourth Circuit opinion
24 that we're here about also lumped them together.

25 MR. GRIFFIN: Yes, sir. It didn't address this

1 issue.

2 THE COURT: Well, it says, "Likewise, the membership
3 of each South Carolina State-related venture overlaps by two:
4 Pinson and Givens. To be sure, the homecoming concert also
5 implicated Robinson to some extent by virtue of the kickbacks
6 he gave to Pinson and Givens, and Robinson participated in the
7 Supremes venture by introducing Brown to Pinson, Wright and
8 Williams." You know, so don't they lump them together?

9 MR. GRIFFIN: Your Honor, the Fourth Circuit doesn't
10 segregate the two schemes at SC State. They don't do that.
11 But factually, I do think they're separate.

12 THE COURT: Okay. Mr. Rowell, tell me about -- the
13 Fourth Circuit has already said that there's only two
14 participants in the VRE and the diaper plant, so I guess the
15 only one we have to talk about here today is the South
16 Carolina State?

17 MR. ROWELL: Your Honor, Miss Taylor --

18 THE COURT: I'm sorry.

19 MS. TAYLOR: That's all right, Your Honor. Right, so
20 we agree that the Fourth Circuit has said they were just two
21 separate conspiracies rather than the RICO, and one of them
22 was South Carolina State, which involved two separate schemes,
23 but one conspiracy. And in the South Carolina State
24 conspiracy, the schemes involved the South Carolina State
25 Sportsman's retreat and the homecoming concert, we have, as

1 you mentioned, Mr. Pinson, who as we all know was the Chairman
2 of the Board of South Carolina State, and who corruptly used
3 his influence there to gain profits for both himself and for
4 his friends and associates. There was Mr. Robinson, that
5 although acquitted, was a partner in WE Entertainment, he
6 sought business with South Carolina State University and paid
7 kickbacks to both Mr. Pinson and to Mr. Givens for securing
8 that contract for the homecoming concert.

9 We have Mr. Will Joy, who was Mr. Robinson's partner in WE
10 Entertainment. And if you'll recall, Mr. Joy testified at
11 trial that he was a party to an agreement between himself,
12 Mr. Robinson, Mr. Pinson and Mr. Givens, that should WE
13 Entertainment realize any profits as a result of the concert,
14 those profits would be split four ways between those four,
15 therefore resulting in kickbacks to Mr. Givens and to
16 Mr. Pinson.

17 There was Richard Zahn, the businessman from Florida who
18 owns Sportsman's Retreat, which he wished to sell to South
19 Carolina State, and that Mr. Pinson agreed to use his
20 influence in order to make that sale happen, in exchange for a
21 Porsche Cayenne, to be paid by Mr. Richard Zahn.

22 Then we had Mr. Michael Bartley, who was the chief of
23 police at South Carolina State University, who agreed to help
24 promote the sale of Sportsman's Retreat in exchange for
25 approximately \$30,000 in cash.

1 And finally, of course, Ed Givens, who was general counsel
2 at South Carolina State, he, along with Pinson and Robinson,
3 were the ones who devised the scheme in which he and Pinson
4 would receive a kickback from WE Entertainment. Also, he was
5 involved in an agreement with Pinson to encourage South
6 Carolina State to purchase Sportsman's Retreat in exchange for
7 a financial kickback.

8 So we come up with at least six participants in the South
9 Carolina State criminal activity.

10 THE COURT: All in -- I believe Mr. Joy testified at
11 trial, too, if I remember correctly.

12 MS. TAYLOR: Mr. Joy did testify at trial.

13 THE COURT: And Mr. Givens did?

14 MS. TAYLOR: Mr. Givens --

15 THE COURT: And Mr. Zahn and Mr. Bartley all
16 testified.

17 MS. TAYLOR: All of them but Mr. Robinson and
18 Mr. Pinson.

19 THE COURT: Okay. Yes, sir, Mr. Griffin, anything
20 else?

21 MR. GRIFFIN: With regard to Mr. Joy, Your Honor, he
22 was never charged, he was never accused of participating in
23 criminal activity in front of the jury, as far as I know, that
24 he was the promoter. And with regard to Mr. Robinson, the
25 jury acquitted him. And I would still point out that the

1 Government admits there are two separate schemes, they say
2 it's one conspiracy, I don't know that there's a distinction
3 with a difference there. But --

4 THE COURT: Anything else, Miss Taylor, Mr. Rowell,
5 Mr. Griffin?

6 MR. GRIFFIN: No, Your Honor.

7 MS. TAYLOR: I would just qualify that the two
8 schemes were both objects of the same conspiracy, they were
9 all convicted of the same conspiracy. And although the Fourth
10 Circuit -- I mean, although Mr. Robinson was acquitted, the
11 Fourth Circuit themselves put him as a member of the
12 conspiracy. I believe they specifically said, "To be sure,
13 the homecoming concert also implicated Robinson to some extent
14 by a virtue of the kickbacks he gave to Pinson and Givens."
15 So they themselves acknowledge, even though there was an
16 acquittal, he was, in fact, part of the conspiracy.

17 THE COURT: Okay. I think based on the preponderance
18 of the evidence and my recollection of the testimony at trial,
19 I'm going to overrule your objection.

20 MR. GRIFFIN: Thank you, Your Honor.

21 THE COURT: Having done that, it looks like it's
22 offense level 32, criminal history category one, which is 121
23 to 151 months imprisonment, one to three years supervised
24 release, 17,500 to \$10 million fine, \$337,843.05 in
25 restitution, and \$2600 special assessment.

1 Does anyone have any objection to the facts which have
2 been adopted for the purposes or the guidelines?

3 MS. TAYLOR: None by the Government, Your Honor.

4 MR. GRIFFIN: No additional objections.

5 THE COURT: You've also filed a motion for a
6 variance, and I'll be glad to hear from you about that.

7 MR. GRIFFIN: Thank you, Your Honor.

8 At the prior sentence, Mr. Pinson got a guideline range
9 was 151 to 188. He has received the benefit of change in the
10 guidelines, and there's been a subsequent amendment in the --
11 and so his guidelines have been now reduced to 121 to 151. In
12 addition to that change, Your Honor, we do have the benefit of
13 the Fourth Circuit ruling, although it doesn't change the
14 guideline calculation per se, I do believe that there is an
15 appreciation, hopefully there's an appreciation that a
16 conviction of a wide-ranging RICO conspiracy is a much more
17 serious offense and conviction than mail fraud, although they
18 all are very serious. But I would ask the Court to take into
19 account the fact that the RICO conviction, which carries a
20 significant social stigma to it, was vacated.

21 And then lastly, Your Honor, the other information that we
22 now have that we didn't have before, that we have the benefit
23 of the sentences of the other participants in this scheme,
24 although at the first sentencing, Your Honor, we had the
25 benefit of the sentencing of Mr. Givens, which he received a

1 probationary sentence of six months with credit for time
2 served.

3 Since then, Your Honor, you sentenced Lance Wright, who
4 had the benefit of a plea agreement, as well as motion for
5 downward departure, and he received 60 days in a halfway
6 house, three years probation. And his restitution amount was
7 \$993,000 and some change, and that was joint and several with
8 Mr. Phillip Mims and Tony Williams. Mr. Williams got three
9 years probation, and his restitution amount was the same as
10 Mr. Wright. And Mr. Mims originally was sentenced to three
11 months in the halfway house, and then three years probation.
12 That was subsequently modified to three months of electronic
13 monitoring.

14 Your Honor, the dollar amounts for the sentence of
15 restitution as to those individuals related more so to
16 Medicare fraud, it's close to -- I had the breakdown in here,
17 Your Honor, but \$88,000 of the 993,000 was attributed to
18 this -- the diaper plant, but the rest of it was \$900,000,
19 essentially Medicare fraud or Medicaid fraud.

20 And then Mr. Zahn received three years probation with no
21 restriction on domestic travel. He paid \$25,000 to South
22 Carolina State University scholarship fund.

23 And then Mr. Bartley received three years probation,
24 conditioned upon a single five-day community service project,
25 or a hundred hours of community service.

1 And, Your Honor, we just ask that you take that into
2 account when you consider a variance. And no one objected to
3 the variance to 60 months previously, and we would request
4 that you vary even beyond that, based upon the Fourth Circuit
5 ruling, the benefit that the -- of the other sentences of the
6 participants in this matter, as well as --

7 Those are the significant points for the variance, Your
8 Honor.

9 And I'd also point out that no one is complaining about,
10 Your Honor, and Mr. Pinson has some -- he's going to thank the
11 Court shortly, but no one is complaining about him being out
12 on bond, but I would point out he's been under supervision for
13 five years, which is some two years longer than any of the
14 lengthiest probation any of the other participants received.
15 So we'd ask you to consider that as well.

16 THE COURT: Okay. Thank you. All right, I guess --

17 MR. GRIFFIN: And in mitigation, Mrs. Pinson has a
18 few words, and then Mr. Pinson would like to speak.

19 THE COURT: Okay. Now I guess I'll hear from the
20 Government, then I'll hear from Mr. Pinson and his friends.
21 So I'll be glad to hear from the Government with regard to the
22 sentence.

23 MS. TAYLOR: Thank you, Your Honor. As Mr. Griffin
24 noted, we did not object to Your Honor granting a variance to
25 five years, and we continue to take the position that a

1 variance to five years is appropriate. We do object to a
2 variance that would go any further than that.

3 In reading Mr. Griffin's motion, he suggested, as I
4 understood it, that you had departed a certain percentage
5 before, and now the guidelines start point is higher, and,
6 therefore, you should depart the same percentage and get to a
7 lower sentence. And we disagree.

8 This is not a downward departure motion based on
9 substantial assistance where the Court judges the value of the
10 assistance and then figures out how much time I should take
11 off based on that value, commensurate with that value, and
12 then regardless of the start point, takes that amount of time
13 off.

14 Here, instead, what the Court does is it considers all the
15 factors in 3553(a), and comes up not with an amount of time to
16 take off, but with an end point, a sentence which Your Honor
17 believes is appropriate and justified by all the factors under
18 3553(a). And that's what Your Honor did then, and that's what
19 we ask that Your Honor do now. And we think that doing that,
20 you will find that nothing has changed.

21 Your Honor went through very specifically the 3553(a)
22 factors at the first sentencing, and I certainly can not do
23 any better than Your Honor did, and so I'm actually going to
24 quote from the sentencing hearing a few of the things you said
25 as you addressed the factors.

1 First you addressed the nature and circumstances of the
2 offense. And you said, "This was four wide-ranging offenses
3 in Columbia, Marion and Orangeburg. Mr. Pinson was the only
4 one involved in all four schemes. All of the schemes dealt
5 with taxpayers' money and bribery, one way or another public
6 officials, and by public officials."

7 And, Your Honor, the fact that the RICO conviction has
8 been overturned does not change that one bit. This was still
9 four broad serious offenses, schemes, in which Mr. Pinson was
10 the only player involved in all four. And he was in so many
11 ways the puppet master. But for him, most of these things
12 would not have occurred, and as is evidenced by the fact that
13 he did receive a leadership role.

14 So the Fourth Circuit's opinion, we believe, does not
15 change the way Your Honor should view that particular factor.

16 The next factor you addressed was the history and
17 characteristics of the defendant. And you mentioned, and I
18 think Mr. Pinson was the first to have said it in court, but
19 you mentioned that the tapes were awful. And they were. We
20 all remember the tapes. And you said it was clear from the
21 tapes that Pinson's focus was not on how the public could
22 benefit, but rather how Mr. Pinson could benefit from his
23 dealings with the public. In other words, taking the money.

24 And you mentioned that Mr. Pinson had been elected as
25 Chairman of the Board at South Carolina State, I think there

1 was testimony from some of his friends that he was a good man
2 and a good family member, a good husband and a role model for
3 his children, and Your Honor didn't disagree with that. But
4 you mentioned maybe he loved money more than he loved South
5 Carolina State. That certainly is what came through over the
6 tapes.

7 You also remarked about something that I think Mr. Pearson
8 had said in his opening statement to the jury, and you
9 repeated, "It's not what you say in public, it's what you say
10 when you think nobody is listening." And we certainly heard a
11 lot of that during the course of the trial, with tape after
12 tape, conversation after conversation, that made it clear that
13 Mr. Pinson's focus was on lining his own pockets.

14 You also specifically took into consideration the
15 sentences of the co-defendants. And I know Mr. Griffin has
16 pointed out that only one had been sentenced at that time, and
17 that's true. Mr. Givens had been sentenced to probation at
18 that time. But Your Honor was fully aware that we had two
19 others who had plea agreements in which the Government agreed
20 to probationary sentences. And of those two, one was Lance
21 Wright, who I think by most accounts was one of the most
22 culpable defendants in some of these schemes. Mr. Wright, of
23 course, was not similarly situated with Mr. Pinson, in that
24 Mr. Wright came in and cooperated prior to the investigation,
25 and, in fact, led us to the investigation which ultimately led

1 to the convictions in this case. And so his lower sentence
2 was in exchange for that cooperation and for what evidence we
3 had on him before he cooperated.

4 Three years ago you found that a sentence of five years
5 was just punishment for the offense. You found that it would
6 afford adequate deterrence to future criminal conduct, and
7 that it would protect the public from future crimes. Your
8 Honor, it is the Government's position that nothing has
9 changed in the interim. That the sentence you imposed then is
10 the sentence you should impose now. We think five years is
11 the just sentence, and that's what we would ask for you to do
12 today.

13 THE COURT: Okay. Mr. Griffin, be glad to hear from
14 you and Mr. Pinson and whoever you want to call.

15 MR. GRIFFIN: Yes, Pam Pinson would like to speak to
16 the Court briefly.

17 MS. PINSON: Good morning, Judge Norton, how are you?

18 THE COURT: Fine.

19 MS. PINSON: I just wanted to say thank you, first of
20 all, on behalf of my family, especially my children, for
21 allowing Jonathan to stay out on bond for all these years
22 while we go through this whole journey of this court case.

23 I also want to just remind you that he is a child of God,
24 he is a father, he is a husband, he is a son, a brother and a
25 friend.

1 Jonathan, prior to this, Jonathan has not ever been in any
2 incidents or criminal activity or any trouble at all. And
3 since this case, he's been on bond, he has not repeated any
4 offenses or been in any trouble at all as well. And he's had
5 like maybe three to four probationary officers that could
6 attest to that.

7 I just want to let you know that we're just asking the
8 Court for leniency on his behalf. It's been a long journey.
9 And whatever leniency and mercy we could receive from the
10 Court, time served is what I'm asking of you. Ask and you
11 shall receive. But I just pray that you consider our family
12 and our well-being. He is more vital, I think, in the
13 community, as opposed to -- I don't think it would benefit him
14 having to do prison time.

15 He is a good person, and he has restored a lot of his ways
16 and he's made a lot of changes in his life, even considering
17 the people that he's involved with. So I just want you to
18 please just take our family into consideration. And thank you
19 again.

20 THE COURT: Thank you, Miss Pinson.

21 MR. GRIFFIN: Just before Jonathan speaks, Your
22 Honor, I forgot to -- I was going to say earlier, inform the
23 Court the Village of River's Edge, just for the Court's
24 benefit, is completed. There was a buyer that came in,
25 Jonathan was instrumental in making that happen. And so the

1 dream is a reality out at what used to be the blighted
2 neighborhood of Roosevelt Village. I just want the Court to
3 know that. When I was a prosecutor, I spent a few nights out
4 at Roosevelt Village interviewing witnesses, and it was a
5 frightening place, and it's a very nice place today.

6 Jonathan would like to speak.

7 THE COURT: Sure, that would be fine.

8 THE DEFENDANT: Thank you, Judge Norton.

9 First I want to begin by saying thank you. You allowed me
10 to stay out throughout this whole process with my kids and my
11 family. I lived to see my son graduate from college, from
12 high school and go off to college. And I was able to walk my
13 daughter on her high school field to see her win Miss
14 Homecoming as a freshman. And it's those moments that you
15 realize are so valuable. And I thank you for that, because I
16 knew I could never get those days back.

17 I have an eighth grader and a tenth grader in my
18 household. As Pam mentioned, you know, I comply with all the
19 probation officers, many of them was really nice and spoke
20 nicely to me, and we just, you know, I'm not that person. And
21 I'm the person who wants to give back to the community, to
22 build a community, to do good things.

23 I was 41 years old at the time; I'll be 48 this year, and
24 a lot has changed. You know, we grow, we get better.

25 So I also learned a lot during this time, you know, like I

1 said, been able to watch my family grow, the kids get older,
2 and you realize the value of them needing us as parents. And,
3 you know, the thought of being in this situation I'm in, I
4 hurt even having to have this many people to have to prosecute
5 me. I'm not a criminal. You know, we got so much going on.
6 And I thank all of them for their time and what they've served
7 in our community and what they do.

8 I assure you that going forward, you will never find me
9 doing anything unethical or illegal. And I'm ready to accept
10 the consequences of my actions. I only ask that you just
11 consider my family in sentencing me, and that you would allow
12 me to continue to stay home with my family. And that's what I
13 would ask of the Court. And again, thank you.

14 THE COURT: One thing. I know I signed a lot of
15 papers to allow you to travel with your son when he was going
16 recruiting. Where did he end up going?

17 THE DEFENDANT: He's at Coastal Caroline. I
18 appreciate that.

19 THE COURT: All right. Good. Thank you.

20 MR. GRIFFIN: Judge, Your Honor, just in conclusion,
21 I would request that the Court consider some alternative to
22 incarceration. But if you find incarceration is appropriate,
23 that we would ask for recommendation that he serve any time
24 that he's given at Edgefield. But my first and primary
25 request is that you consider something alternative to that. I

1 appreciate it.

2 THE COURT: Sure. Thank you. Anything else from the
3 Government?

4 MS. TAYLOR: No, Your Honor.

5 THE COURT: Okay. I re-read what I said four years
6 ago. So I'm incorporating pages 70 through 76 as the reasons
7 for the sentence that I'm going to give. I think they're
8 correct today as they were back then. And I knew more about
9 it, I remembered more about it back then than I do today.

10 But the sentence is going to reflect the nature and
11 circumstances of the offenses, and the history and
12 characteristics of the defendant, I outlined those then. I
13 adopt those now.

14 It's also going to reflect the seriousness of the offense,
15 promote respect for the law. Just punishment, like I said
16 then, God knows what just punishment is. It's different for
17 Mr. Pinson and the Government and Mr. Griffin and Mr. Paradis
18 and me, and everything is different. Justice is in the eye of
19 the beholder.

20 To afford adequate deterrence from criminal conduct and to
21 protect the public from further crimes of the defendant. And
22 as noted then, he doesn't need any educational/vocational
23 training, medical care.

24 A couple things. One thing that Mr. Pinson, I thought I
25 just heard him say he's not a criminal. He may not be a

1 criminal now, but he was a criminal then. What he did back
2 then in taking money that he wasn't entitled to, and
3 essentially stealing money from his alma mater and essentially
4 stealing money from the students at South Carolina State and
5 essentially stealing money from the Government, those are
6 criminal acts, and the jury found him guilty of those acts.

7 And I know Mr. Pinson has a wonderful family, he's very
8 involved in his family, he's been very involved in his
9 children's education, especially his son's. But maybe you
10 should have thought of your family back when you were doing
11 all this stuff and running around in Atlanta and Florida and
12 all these things. And again, I haven't listened to the tapes
13 again, but everybody agrees that they're really really awful.

14 So having calculated and considered the advisory
15 Sentencing Guidelines and the relevant statutory factors
16 contained in 18 United States Code 3553(a), it is the judgment
17 of the Court the defendant, Jonathan N. Pinson, is hereby
18 committed to the custody of Bureau of Prisons for 48 months,
19 which is 48 months as to each count, to run concurrently.
20 Twenty-six hundred dollar special assessment. Restitution of
21 \$337,843.05. Supervised release for three years, concurrent
22 on each count.

23 Mandatory conditions -- standard conditions of
24 supervision, and the following special conditions, which are
25 the same special conditions we did before. Restitution, \$500

1 a month beginning 60 days from release. Payments to Clerk,
2 United States District Court, P.O. Box 835, Charleston.
3 Interest is waived. Subject to placement in the financial
4 litigation unit wage garnishment program if deemed necessary.
5 Provide the probation officer with any access to any and all
6 financial information, including, but not limited to, income
7 tax returns. And shall be prohibited from opening any new
8 lines of credit without the prior written approval of the
9 probation officer.

10 All right. Does anyone have any objection to the form of
11 that sentence?

12 MS. TAYLOR: No, Your Honor. I just wanted to make
13 certain that the criminal order of forfeiture and the
14 preliminary order of forfeiture is made part of the sentence
15 again.

16 THE COURT: We'll do that, without objection.

17 Yes, sir?

18 MR. GRIFFIN: Your Honor, the only question I have
19 with regard to the restitution, there was a portion of that
20 that deals with the Supremes plant, and the other defendants,
21 their restitution was joint and several. I think there's
22 overlapping amounts; I don't know if he gets credit for that
23 or not.

24 THE COURT: It should be joint and several on that
25 portion of his restitution. I don't know how the restitution

1 was calculated. I did know; I don't know now. I mean, they
2 were jointly involved in Supremes, so they ought to be jointly
3 paid back.

4 MR. GRIFFIN: Thank you.

5 THE COURT: All right. Again, no objection to the
6 form of the sentence from either side, is that right?

7 MR. GRIFFIN: That's correct.

8 THE COURT: All right. Mr. Pinson, you have 14 days
9 from today to appeal from this sentence. If you can't afford
10 a lawyer, I'll appoint Mr. Griffin to represent you.

11 Remain on bond.

12
13 (Court adjourned at 11:34 a.m.)
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S CERTIFICATION

I, Debra L. Potocki, RMR, RDR, CRR, Official Court Reporter for the United States District Court for the District of South Carolina, hereby certify that the foregoing is a true and correct transcript of the stenographically recorded above proceedings.

S/Debra L. Potocki

Debra L. Potocki, RMR, RDR, CRR